

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 25, 2007

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 25, 2007, AT 6:38 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR PRO TEM BROOKS.

THE FOLLOWING MEMBERS WERE PRESENT:

Russ Brooks
Carolynn Burt
Margaret K. Peterson
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Dennis J. Nordfelt
Joel Coleman

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
John Evans, Fire Chief
Russell Willardson, Public Works Director
John Janson, Acting CED Director
Mike Wells, Acting Chief of Police
Ken Olsen, Acting Finance Director
Aaron Crim, Administration
Jake Arslanian, Public Works Department

13444 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Vincent who led the Pledge of Allegiance to the Flag.

13445 **SCOUTS**

Mayor Pro Tem Brooks welcomed Scout Troop No. 210 in attendance to complete requirements for the Citizenship in the Community merit badge.

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COMMENT PERIOD

Upon inquiry by Mayor Pro Tem Brooks, the following individuals addressed the City Council during the Comment Period.

Don Mignola addressed the City Council. Mr. Mignola stated he had given the City Council written information the previous week during the Comment Period. He discussed the sentiment that the customer was always right and some retailers did not believe that concept in this day and age. He stated it was not just Comcast but others too. He discussed an example of dealings with Sprint and his experience with that company regarding his cell phone, the monthly fee and other issues including promised rebates that were never received. He expressed willingness to work with West Valley City to take the lead in solving these problems.

Toby Garcia, 3111 West Tess Avenue, addressed the City Council. Mr. Garcia thanked the City for fixing a street light on his street. He re-addressed the issues previously brought up by residents of his neighborhood regarding soccer leagues playing at Hillsdale Park. He reported those games were still taking place. Mr. Garcia stated he would appreciate cones being placed on the street when games were being played and also enforcing the no parking in the red zones and tow zones. He also stated there was safety issues for children because of so many vehicles parked on the street. He explained ACE Disposal had placed two dumpsters on the street, which was a great service, but added to the congestion and parking problems on the street.

Councilmember Peterson suggested Mr. Garcia contact Salt Lake County regarding the park issues. Councilmember Winder stated he understood that staff had contacted the County, but it would also be beneficial if the residents also made that contact. City Manager, Wayne Pyle, advised staff would continue to follow-up with Salt Lake County and also concentrate on enforcement of violations.

13447

RESOLUTION NO. 07-207, APPROVE INTERLOCAL AGREEMENT WITH THE UTAH TRANSIT AUTHORITY (UTA) FOR DESIGN AND CONSTRUCTION OF THE WEST VALLEY LIGHT RAIL TRANSIT AND INTERMODAL HUB PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 07-207 which would approve an Interlocal Agreement with the Utah Transit Authority (UTA) for design and construction of the West Valley Light Rail Transit (LRT) and Intermodal Hub Project.

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Mr. Pyle stated the proposed agreement specified and detailed the policies, funding strategies and construction relationship regarding the described project. He also stated with passage of the sales tax increase for transportation the previous Fall; the ability to construct the West Valley light rail extension had become a reality. He indicated UTA's intent was to utilize the funds on four major LRT projects in the Salt Lake Valley and because the Council had authorized engineering for the LRT line prior to the sales tax funding source materializing, the City's line was progressing well. He further indicated, currently, the final engineering was underway with a schedule to begin construction in 2008. He stated progress on the hub was also substantial with the purchase and demolition of the church (with possible pavement of that parking this Fall) and the contract to design the bus hub and plaza well underway. He indicated to accomplish those projects, an agreement was needed and he discussed the main elements summarized as follows:

1. The funding relationship – the City would be the responsible party for the plaza and one half of the church parking lot. UTA would be responsible for the LRT and bus hub area. Both entities would actively seek Federal funds and grants to complete all projects together.
2. Contributions by the City and matching funds were also identified.
3. An understanding of the base scenario and the concept of enhancements had been detailed. A matching required, art fund was also established. Potential landscape areas were defined with a low water, low maintenance philosophy throughout.
4. A system to resolve disagreements was also clarified.

The City Manager reported this was an involved agreement that had been negotiated for many months by both UTA and City staff. He stated reasonable compromises had been made by both parties and although the agreement might not cover every issue that would arise through the construction process, it provided a good foundation to proceed.

After discussion, Councilmember Winder moved to approve Resolution No. 07-207, A Resolution Approving an Interlocal Agreement between West Valley City and the Utah Transit Authority for the Design and Construction of the West Valley Light Rail Transit and Intermodal Hub Project. Councilmember Peterson seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

13448

RESOLUTION NO. 07-208, APPROVE AGREEMENT FOR WRECKER, TOWING AND IMPOUND YARD SERVICES WITH CAL BROWN BODY SHOP

City Manager, Wayne Pyle, presented proposed Resolution No. 07-208 which would approve an Agreement for wrecker, towing and impound yard services with Cal Brown Body Shop.

Mr. Pyle stated the Police Department, Ordinance Enforcement Division, and other Departments, required vehicles to be towed on a regular basis during the normal course of their duties. He further stated the last City contract had been approved in 2005; the contract had been for one year with additional extensions and expired as of July 1, 2007. He indicated Kearns Towing had been the previous contract holder, but could not fulfill the terms of the contract due to some personnel issues. He also indicated the new contract had been open to proposals to insure the high level of service to citizens could continue. The City Manager reported four proposals had been received and he discussed them as follows:

Advanced Towing:

Failed to submit the required enclosures with the proposal. Advanced Towing would not be considered for the City proposal.

A L Towing:

Proposed \$75.00 an hour for Class A & B tows involving City vehicles, and \$75.00 an hour for Class A & B tows involving citizen vehicles. Not able to guarantee the availability of more than one tow truck in the evenings. Although A L Towing had four tow trucks and five drivers, only one would be guaranteed to respond after normal business hours. A L Towing missed one dispatched call in five months. Received two complaints from the Police Department involving rotation agreement

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issues in the past 12 months. Has been an approved rotation tow company for approximately six years.

Cal Brown Body Shop:

Proposed \$34.95 an hour for Class A & B tows involving City vehicles and \$48.00 an hour for Class A & B tows involving citizen vehicles. Call Brown has three tow trucks and three drivers. The owner said his company could meet all of the City's requirements. Has been unavailable or unable to be contacted for a total of seven dispatched calls in five months. Has not received any complaints from the Police Department in the past 12 months. Has been an approved rotation tow company for approximately one year. Cal Brown Body Shop submitted the lowest fee proposal. The owner and his employees have been friendly and professional to work with.

Evans & Sons Towing:

Asked to be removed from the process after reviewing needs of the City.

City Manager, Wayne Pyle, stated he would recommend the proposal be awarded to Cal Brown Body Shop.

After discussion, Councilmember Burt moved to approve Resolution No. 07-208, A Resolution Authorizing the Execution of an Agreement for Wrecker, Towing and Impound Yard Services between West Valley City and Cal Brown Body Shop. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

13449

CONSENT AGENDA:

- A. **RESOLUTION NO. 07-209, APPROVE DELAY AGREEMENT WITH GRUMPY, INC. FOR LANDSCAPING IMPROVEMENTS ALONG 3500 SOUTH FOR PROPERTY LOCATED AT 2990 WEST 3500 SOUTH**

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City Manager, Wayne Pyle, presented proposed Resolution No. 07-209 which would approve a Delay Agreement with Grumpy, Inc. for landscaping improvements along 3500 South for property located at 2990 West 3500 South.

Mr. Pyle stated Grumpy, Inc. had executed the Warranty Deed.

The City Manager reported Grumpy, Inc. owned the proposed Community Auto Sales used car lot to be located on the subject property. He further stated as a condition of obtaining conditional use approval, dedication of a portion of 3500 South had been required. He indicated the Major Street Plan called for a 106 foot total right-of-way (53 foot half width). He stated dedication of 20 feet of right-of-way was being deeded to comply with the Major Street Plan.

B. RESOLUTION NO. 07-210, ACCEPT WARRANTY DEED FROM GRUMPY, INC. FOR PROPERTY LOCATED AT 2990 WEST 3500 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 07-210 which would accept a Warranty Deed from Grumpy, Inc. for property located at 2990 West 3500 South.

Mr. Pyle stated Grumpy, Inc. had executed the Warranty Deed.

The City Manager reported Grumpy, Inc. owned the proposed Community Auto Sales used car lot to be located on the property. He indicated as a condition of obtaining conditional use approval, dedication of a portion of 3500 South had been required. He stated the Major Street Plan called for a 106 foot total right-of-way (53 foot half width). He further indicated dedication of 20 feet of right-of-way was being deeded to comply with the Major Street Plan.

C. RESOLUTION NO. 07-211, APPROVE DELAY AGREEMENT WITH VICTOR BELL FOR CONSTRUCTION OF OFF-SITE IMPROVEMENTS FOR PROPERTY LOCATED AT 7172 SCHULER AVENUE

City Manager, Wayne Pyle, presented proposed Resolution No. 07-211 which would approve a Delay Agreement with Victor Bell for construction of off-site improvements for property located at 7172 Schuler Avenue.

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Mr. Pyle stated Victor Bell had requested to delay construction of off-site improvements for 7172 Schuler Avenue. He also stated improvements included installation of curb, gutter and asphalt tie-in to the existing roadway.

The City Manager reported there were no existing improvements along the subject property at the present time. He also reported postponing construction of the aforementioned improvements would allow time for additional development to provide similar improvements. He stated the combination of the delayed improvements from this agreement and others collected as development progressed, would provide a more complete and contiguous design of the curb and gutter.

D. RESOLUTION NO. 07-212, APPROVE DELAY AGREEMENT WITH E&E INVESTMENT COMPANY FOR CONSTRUCTION OF OFF-SITE IMPROVEMENTS FOR PROPERTY LOCATED AT 4701 WEST 2100 SOUTH (C.R. ENGLAND)

City Manager, Wayne Pyle, presented proposed Resolution No. 07-212 which would approve a Delay Agreement with E&E Investment Company for construction of off-site improvements for property located at 4701 West 2100 South (C.R. England).

Mr. Pyle stated E & E Investment Company had requested delay of construction of off-site improvements for C.R. England & Sons. He explained improvements included installation of curb, gutter and asphalt tie-in to the existing roadway.

The City Manager reported that while there were existing improvements along the subject property, postponing construction of the aforementioned improvements would allow for a better tie-in to future 4800 West improvements. He indicated the combination of the delayed improvements from this agreement and others collected as development progressed would provide a more complete and contiguous design of curb and gutter.

After discussion, Councilmember Peterson moved to approve Resolution Nos. 07-209, 07-210, 07-211, and 07-212 as presented on the Consent Agenda. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent

Yes

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Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, SEPTEMBER 25, 2007, WAS ADJOURNED AT 6:59 P.M., BY MAYOR PRO TEM BROOKS.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held September 25, 2007.

Sheri McKendrick, MMC
City Recorder